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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,604	03/15/2005	Kazuhiko Maeda	SPL-05-1048	9564

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IP GROUP OF DLA PIPER US LLP		
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EXAMINER	
WOODWARD, ANA LUCRECIA	

ART UNIT	PAPER NUMBER
1711	

MAIL DATE	DELIVERY MODE
09/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,604

Applicant(s)

MAEDA ET AL.

Examiner

Ana L. Woodward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/15/05, 8/14/06, 3/19/07
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/15/05, 8/14/06, 3/19/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 2, 4, 9, 10, 14, 19 and 20, the phrase "rubber-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

In claims 1 and 2, no distinction can be seen between components (C) and (D). As presently recited, component (D) encompasses unsaturated carboxylic acid-modified polymers like component (C).

In claims 9, 10, 19 and 20, it is unclear as whether or not the recited "rubber-like polymer" is referring to an additional polymer other than components (B), (C) or (D). As presently recited, said material does not distinguish over any of said other components (B)-(D).

Claim Rejections - 35 USC § 102/103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. 6,274,243 (Nakajima et al).

Nakajima et al disclose automobile exterior components obtained by molding a resin composition which comprises (A) 10 to 80 parts by weight of a polyamide (reading on applicants component A), (B) 10 to 80 parts by weight of a graft polymer prepared by graft polymerizing an aromatic vinyl monomer and a vinyl cyanide monomer in the presence of a diene rubber (reasonably believed to read on applicants' component B), (C) 1 to 40 parts by weight of an unsaturated carboxylic acid-modified copolymer prepared by polymerizing an unsaturated carboxylic acid monomer, an aromatic vinyl monomer and a vinyl cyanide monomer (reasonably believed to read on applicants' component C), (D) 0 to 50 parts by weight of a copolymer prepared by polymerizing an aromatic vinyl monomer and a vinyl cyanide monomer (reading on applicants component D) and 0.1 to 10% by weight, based on the total of (A)-(D) of talc (reading on applicants' component E per claim 2). The diene rubber making up the grafted polymer (B) preferably has a gel content from 60 to 95% by weight (measured by using toluene as the solvent) and a particle size of 0.05 to 0.2 μ (column 3, line 22-56). When the copolymer (C) has a reduced viscosity of less than 0.2 dl/g, its impact resistance becomes poor. When the copolymer has a reduced viscosity of more than 0.5 dl/g, its fluidity becomes poor (column 4, lines 20-25).

The reference provides various examples that appear to meet the requirements of the present claims in terms of types of materials added and their contents. It is reasonably believed

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that the gel content from 60 to 95% by weight governing the diene rubber would meet the swell index feature presently claimed. Although the reference does not expressly set forth the molecular weight of copolymer (C), it is reasonably believed that the exemplified reduced viscosities would meet said molecular weight limitation. Given that the reference composition is chemically identical to that presently claimed, it would be expected that the former would necessarily meet all the properties and features governing the latter. The onus is shifted to applicants to establish that the product of the present claims is not the same as or obvious from that set forth by the reference.

As regards claim 11, it is noted that nylon A-2 of the examples contains a laminar silicate presumably meeting the size requirements presently claimed (column 2, lines 42-64).

Claim Rejections - 35 USC § 112

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The unit "gm" as a measurement of length is not understood.

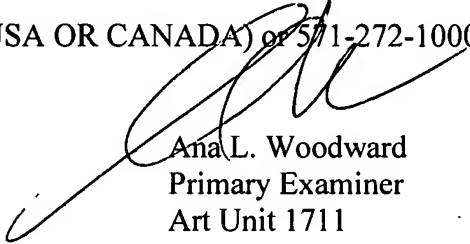
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (571) 272-1082. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ana L. Woodward
Primary Examiner
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